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12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
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15 UNITED STATES OF AMERICA and PEOPLE
OF THE STATE OF CALIFORNIA *ex rel.*
16 CALIFORNIA STATE WATER RESOURCES
CONTROL BOARD and CALIFORNIA
17 REGIONAL WATER QUALITY CONTROL
BOARD, SAN FRANCISCO BAY REGION,
18

19 Plaintiffs,

20 v.

21 EAST BAY MUNICIPAL UTILITY DISTRICT,
22 Defendant.

Case No. CV 09-00186 CW

JOINT STATUS REPORT

Complaint Filed: January 15, 2009

Honorable Claudia Wilken

23 Pursuant to this Court's August 17, 2009 Stipulation and Order Holding in Abeyance All
24 Litigation Deadlines and Vacating September 15, 2009 Case Management Conference, the
25 United States; the State of California; the Intervenor Plaintiffs, San Francisco Baykeeper and Our
26 Children's Earth Foundation; and the defendant, East Bay Municipal Utility District (EBMUD)
27 (collectively, the "Parties"), submit this Joint Status Report to apprise the Court of the Parties'
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progress toward completing the tasks set forth in the July 22, 2009 Stipulated Order for Preliminary Relief (the "Stipulated Order"). Tasks required by the Stipulated Order, and respective deadlines, are summarized below.

Requirement and Location in the Stipulated Order	Deadline for Completion	Status
SECTION V(A): FLOW MONITORING/DATA ASSESSMENT		
EBMUD to submit a Flow Monitoring/Data Assessment Program to EPA and the Regional Water Board for approval. (§20)	2/17/2010 (within 210 days after the Effective Date ¹). (§20)	EBMUD anticipates submitting the Flow Monitoring/Data Assessment Program to EPA and the Regional Water Board on or before 2/17/2010.
EBMUD to conduct a workshop to which Plaintiffs and each of the Satellites are invited where EBMUD presents the draft Flow Monitoring/Data Assessment Program and solicits comments. (§20).	1/18/2010 (at least 30 days prior to submission of the Flow Monitoring/Data Assessment Program to EPA and the Regional Water Board, in order to allow time for comments prior to 2/17/2010 deadline) (§20)	EBMUD conducted this workshop (to which Intervenor were also invited) on 10/26/2009. The comment period ran from 10/26/2009 to 11/25/2009.
EBMUD to install flow monitoring devices.	12/1/2009 (§21)	EBMUD reports that it completed installation of the flow monitoring devices by 12/01/2009.
SECTION V(B): FLOW MODELING AND LIMITS REPORT (FMLR)		
EBMUD to submit the FMLR to EPA and the Regional Water Board for review and approval. (§27)	12/31/2011 (§27)	EBMUD anticipates submitting the FMLR to EPA and the Regional Water Board on or before 12/31/2011.
EBMUD to conduct a workshop to which Plaintiffs and each of the Satellites are invited where EBMUD presents the draft FMLR and solicits comments. (§27).	At least 30 days prior to submission of the FMLR to EPA and the Regional Water Board, in order to allow time for comments prior to 12/31/2011 deadline(no later than 12/1/2011). (§27)	EBMUD anticipates completing the workshop within the designated timeframe.

¹ Pursuant to paragraph 19 of the Stipulated Order, the Effective Date is July 22, 2009.

SECTION V(C): REGIONAL PRIVATE SEWER LATERAL INSPECTION AND REPAIR OR REPLACEMENT PROGRAM

EBMUD to adopt a Regional Private Sewer Lateral Ordinance (the "Regional Ordinance") setting standards for the performance of lateral sewer pipes that extend from privately owned structures to the Satellites' collection systems.	3/19/2010 (within 240 days after the Effective Date).	EBMUD anticipates adopting the Regional Ordinance on or before 3/19/2010.
EBMUD to make written requests for cooperation to the Cities of Alameda, Albany, Berkeley, El Cerrito, Emeryville, Oakland, Piedmont, and Richmond and the Counties of Alameda and Contra Costa and Stege Sanitary District. (§31)	Within 30 days after the Regional Ordinance's effective date. (§31)	EBMUD anticipates making the required requests for cooperation within the designated timeframe.
EBMUD to submit a draft Private Lateral Incentive Program Work Plan ("PLIPWP") to EPA and the Regional Water Board for review and comment. (§32).	1/19/2010 (within 180 days of the Effective Date). (§§19 and 32)	EBMUD anticipates submitting the PLIPWP on or before 1/19/2010.
EBMUD to conduct a workshop to which Plaintiffs and each of the Satellites are invited where EBMUD presents the draft PLIPWP and solicits comments. (§32)	Within 30 days after submitting the draft PLIPWP to EPA and the Regional Water Board. (§32)	EBMUD anticipates conducting the required workshop within the designated timeframe.
EBMUD to submit a final PLIPWP to EPA and the Regional Water Board for approval as provided in Section VII. (§32)	Within 60 days after the Regional Ordinance's adoption, and at least 30 days after the workshop at which the PLIPWP is presented, to allow sufficient time for comments. (§32)	EBMUD anticipates submitting the final PLIPWP to EPA and the Regional Water Board within the designated timeframe.
EBMUD to comply with the Required Spend requirement of Paragraph 33.	Annually as of the anniversary of the Required Spend Start Date, defined as the later of (i) the date the PLIPWP is approved and (ii) the date any PLIPWP Dispute Resolution is complete. (§35)	EBMUD anticipates complying with the Required Spend requirement within the designated timeframe.

1	EBMUD to make written requests to the Permitting Agencies and Stege Sanitary District to provide annual reports including the tracking information prescribed in the PLIPWP pursuant to paragraph 32. (¶36)	Within 30 days after approval of the final PLIPWP. (¶36)	EBMUD anticipates making the required written requests within the designated timeframe.
5	SECTION V(D): ASSET MANAGEMENT AND INTERIM OPERATION		
6	EBMUD to submit an Interceptor System Asset Management Work Plan ("ISAMWP") to EPA and the Regional Water Board for approval. (¶38)	2/17/2010 (within 210 days after the Effective Date). (¶38)	EBMUD anticipates submitting the ISAMWP to EPA and the Regional Water Board on or before 2/17/2010.
9	EBMUD to conduct a workshop to which Plaintiffs and each of the Satellites are invited where EBMUD presents a draft ISAMWP and solicits comments. (¶38)	At least 30 days prior to submission of the ISAMWP to EPA and the Regional Water Board, in order to allow time for comments prior to 2/17/2010 deadline (no later than 1/18/2010). (¶38)	EBMUD conducted the workshop (to which Intervenor were also invited) on 12/02/2009. The comment period ran from 12/02/2009 to 1/04/2010.
13	EBMUD to make written requests asking the Satellites to meet to discuss and provide input into EBMUD's preparation of a Collection System Asset Management Template (the "Template"). (¶39)	12/17/2009 (within 120 days after the Effective Date). (¶39)	EBMUD made the written requests on 11/10/2009.
17	EBMUD to provide the Satellites and EPA and the Regional Water Board with a written final draft of the Template and afford the Satellites 90 days to provide written comments. (¶39)	At the last of at least 6 meetings over an 18-month period to discuss the Template. (¶39)	EBMUD anticipates providing the written final draft at the final meeting and affording at least 90 days for comments.
21	EBMUD to submit the Template, together with all written comments received from the Satellites and any responses by EBMUD, to EPA and the Regional Water Board. (¶39)	Within four months after the end of the comment period on the Template. (¶39)	EBMUD anticipates submitting the Template, with comments and responses, within the designated timeframe.
24	EBMUD to hold a workshop (to which Plaintiffs and Satellites are invited) to make a presentation on and receive comments regarding the WWFs' operating procedures. (¶40)	1/19/2010 (within 180 days of the Effective Date). (¶40)	EBMUD has scheduled this workshop (and also invited Intervenor) for 1/19/2010.

1	EBMUD to submit to EPA and the Regional Water Board all written comments provided regarding WWFs' operating procedures following the workshop, as well as any EBMUD responses. (§40)	Within 60 days after the workshop. (§40)	EBMUD anticipates submitting the comments and responses within the designated timeframe.
5	SECTION V(E): CONDITIONAL ASSUMPTION OF RESPONSIBILITY FOR COLLECTION SYSTEMS		
6	EBMUD to provide notice to the governing bodies of each of the Satellites of its willingness to enter into negotiations concerning undertaking the operation of each Satellite's collection system. (§42)	8/21/2009 (no later than 30 days after the Effective Date). (§42)	EBMUD provided notice on 8/21/2009.
10	SECTION VI: ANNUAL REPORTING REQUIREMENTS		
11	EBMUD to submit to Plaintiffs an annual progress report. (§43)	8/31/2010 and every succeeding August 31 during the life of the Stipulated Order. (§43)	EBMUD anticipates timely submitting annual progress reports.
14	EBMUD to submit an ISAMWP update to EPA and the Regional Water Board for approval. (§47)	Concurrently with the annual report. (§47)	EBMUD anticipates timely submitting annual ISAMWP updates.
16	EBMUD to convene a workshop to discuss the work performed in the past year and plans for the work to be performed in the coming year. (§49)	No less than 60 days after submission of each annual report, with at least 30 days advance notice. (§49)	EBMUD anticipates timely convening the required annual workshops.
19	EBMUD to provide all comments on the annual report, along with any EBMUD responses, to Plaintiffs. (§49)	Within 60 days after the workshop. (§49)	EBMUD anticipates submitting the comments and responses to Plaintiffs within the designated timeframe.

1 Dated: January 15, 2010

JOSEPH P. RUSSONIELLO

2 CHARLES MICHAEL O'CONNOR
3 United States Attorney's Office
4 Northern District of California

5 By: _____/s/_____
6 PATRICIA L. HURST
7 Attorneys for Plaintiff United States of America

8 Dated: January 15, 2010

EDMUND G. BROWN, JR.
Attorney General of the State of California

10 By: _____/s/_____
11 JOHN DAVIDSON
12 Attorneys for Plaintiff State of California

14 Dated: January 15, 2010

CHRISTOPHER A. SPROUL
Environmental Advocates

17 By: _____/s/_____
18 CHRISTOPHER A. SPROUL
19 Attorneys for San Francisco Baykeeper and
Our Children's Earth Foundation

20 Dated: January 15, 2010

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DONALD E. SOBELMAN
KATHRYN L. OEHLISCHLAGER
BARG COFFIN LEWIS & TRAPP, LLP

23 By: _____/s/_____
24 BRIAN S. HAUGHTON
25 Attorneys for Defendant East Bay Municipal Utility District

PROOF OF SERVICE BY ELECTRONIC FILING/SERVICE

I, Joan F. Flaherty, declare that I am over the age of eighteen years and not a party to this action. I am an employee of Barg Coffin Lewis & Trapp, LLP ("the Firm") and my business address is 350 California Street, 22nd Floor, San Francisco, California 94104-1435.

On January 15, 2010, I served the following document(s) in this cause:

JOINT STATUS REPORT

I caused said document(s) to be Electronically Filed and Served through the CourtLink system for the above-entitled case to those parties on the Service List maintained on Courtlink's Website for this case. The file transmission was reported as complete and a copy of the "JusticeLink Filing Receipt" page will be maintained with the original document(s) in our office.

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on January 15, 2010, at San Francisco, California.

/s/

Joan F. Flaherty